G. R. S. 58]

Previous references.

1915 [illegible]. 16
(Courts)

File No. 217-14

Serial Nos. (1)

Later references.

Ex 131-15 (1-2)

Preserve
Apr
31/7/16

GENERAL AND REVENUE SECRETARIAT.

Serial No. (1)

Part B for Decis

SUBJECT.

Service of non-coercive processes by parties & legal practitioners themselves both on the opposite side & on their own witnesses.

---

1) To the Secy. Jud Conf. } J 2284-5
& Reg^r. Ch Cts } dy 13/12/15

states that Govt agree with the views of the Rule Committee which are supported by the Ch. Cts & the Ch Cts is requested to submit for sanction a draft amending rules with necessary amendment to the process rules in regard to the scale of fees.

W. D 1351—GPB—20,000—13-12-15

M. G. Hamond
8/4/16.

G. R. S. 11] 1915-16

GENERAL AND REVENUE SECRETARIAT.

(Cents)

NOTES.

File No. 217

FILE HEADING.

Service of non-coercive processes by parties and legal practitioners themselves both on the opposite side and on their own witnesses.

From

No. Dated Received

Diary No. | Enclos. Spare Copies. | Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—20,000—3-8-11

General and Revenue Secretariat. | C5 File No. 217 of 1914-18

Serial No.

23. That rules should be made to enable parties and legal practitioners to serve non-coercive processes in original and small cause cases both on the opposite side and on their own witnesses; these rules to work alongside of the present ones regarding service of processes so that parties may have the option of having recourse to any method they like.

(Resolved that Mr. B. Subbanna's scheme be sent up to Government for consideration.)

Proc. 59-14

Page 29 to 31 of the proceedings.

1) Forwarded unofficially to the Registrar, Chief Court, for favour of obtaining the opinion of the Judges of the Chief Court on the above resolution of the Judicial Conference 1914.

By order

19th Jan 1915.

S Srinivasa Iyer
for Chief Secy to Govt

No. 1881/146

2) The resolution was referred to the Rule Committee for consideration. The members thereof regarded it as embodying two separate proposals.

3) 1. The one regarding parties being enabled to serve non-coercive processes on their opponents was considered by the majority of the members of the Committee except Mr. Subbanna to be a most inexpedient one as it is sure to lead to fraudulent practices and is not likely to improve the existing.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Serial No.

existing condition of things in any way. Mr. Subbanna while adhering to his opinion on the merits agreed with the majority to this part of the proposal being dropped.

4) 2. The Committee considered that the other proposal in regard to service of processes by a party on his own witnesses may be adopted with advantage and that in order to provide for this being done O.16,R.8 of the Civil Procedure Code may be amended by the addition of the following sub-rule.

(ii). "In addition to or in lieu of the mode of service provided in sub-rule (1), any summons to a witness may on the application of the party who requires his attendance be given to the party himself for service on the witnesses in which case service shall be effected as nearly as may be in the same manner as a summons issued under sub-rule (1)."

If the above proposal be adopted that the fee chargeable for service thro' a party should, in the opinion of the Committee be reduced to half

(4

R. S. 12]

General and Revenue Secretariat.

23

C5 File No. 217 of 1914-15

3.

Serial No.

the present scale (i.e., 4 As. for the first witness and 2 As. for every additional witness).

5) The scheme has been carefully considered by the Rule Committee and they have reported in favour of a cautious advance. The Judges agree that it is better not to go farther at present.

6) The Chief Court will, under section 126, Civil Procedure Code, submit a rule for the sanction of the Government if the Government will first intimate its approval to the principle of the Rule Committee's proposal.

Chief Court of Mysore,
12th October 1915.
25

H. Gopalaswamy
REGISTRAR.

cts 2/11

7) Put up draft approving

B 1/11

8) Draft order sub.

20/11/15

9) The draft is in accordance with the views of the Rule Committee which can be approved by the Judges of the chief court.

10) May be approved.

B 20/11

B 20/12

NOTE—Contn. sheet.

First Member
MGT

Draft appd: by First Member
dtd 4.12.15

GPB—25,000—2-11-14

5

General and Revenue Secretariat.

C.S. File No. 2-17 of 191 4

Serial No. 1

To The Hon Secy. Draft Conference.

The Registrar Chief Court

No J 2234-5 13-12-1915

States that the proposal in regard to service of processes by a parties on his own witnesses may be adopted and that the chief court is requested to submit a draft amending Rule 8 of Order XVI of the Code of Civil Procedure.

NOTE—Contn. sheet.

GPB—20,000—30-6-15

Re- Service of processes by a party on his own witnesses

G.R.S. 28]

File No: 217/1914

Serial No. 1

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, the 191 .

Date of issue 13/12/1915.

Signed by Mr. G. Srinivasaiya

READ—

Resolution no 23 of the Judicial Conference of 1914 recommending that rules should be made to enable parties and legal practitioners to serve non-

~~ORDER THEREON.—No.~~

-coercive processes in original and Small Cause cases both on the opposite side and on their own witnesses rules to these work alongside of the existing ones regarding service of processes so

over.

SUBJECT.

GPB—50,000—1-12-12

(7)

that parties may have the option of taking recourse to ~~either of the~~ any methods they like and submitting for the consideration of Govt a scheme drawn up by Mr B. Subbanna in that connection Order - No. J 2234-5.

The matter was referred to the Rule Committee for consideration.

2. The proposal regarding parties being enabled to serve non-coercive processes on their opponents ~~was~~ is considered by the majority of the members of the Committee to be a most inexpedient one as it is sure to lead to fraudulent practices and is not likely to improve the existing conditions of things in any way.

3. The Committee considers that the other proposal in regard to service of processes by a party on his own witnesses may be adopted with advantage and that the fee chargeable for service through a party / should, in that case, be reduced to half the existing scale.

4. Govt agree with the views of

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation-sheet draft form.)

12

the Rule Committee which are supported by the Chief Court. The Chief Court is accordingly requested to submit for the sanction of Govt a ~~rule~~ draft amending Rule 8 of Order XVI of the Code of Civil Procedure together with the necessary amendment to the Process Rules in regard to the scale of fees.

4/12/15

for Sec'y to Govt

Genl Deptt

To. The Sec'y to Govt

The Registrar, Chief Court.

Copy to the Press Room.

20/11/15